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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/584,610 05/31/00 NERENBERG

A NERE-2842

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TM02/0423

EXAMINER

RIMELL, S

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

04/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

<b>Office Action Summary</b>	Application No. 09/584,610	Applicant(s) NERENBERG ET AL.	
	Examiner Sam Rimell	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-17 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-17, 19-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

*SAM RIMELL  
Primary Examiner  
AU 2166*

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 10, 12-17, 22-25 and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Brocato et al. ('068).

Brocato et al. discloses the method of providing a coffin (54) that is visually available to a child (abstract, line 2). The child is definable as a “first person”. The child is directed to visualize (same as “see”) a second person in the coffin, which is accomplished by having the child view a doll in the coffin and visualize the doll as being a real person. The child visualizes the second person in the coffin as being alive, since the child sees the doll move to a sitting up position (col. 2 lines 36-37). The child is instructed to speak to the visualized second person as if it were alive (col. 3 lines 1-11).

The doll, representing the visualized second person, may either be inside the coffin (FIG. 8) or outside the coffin (col. 2 lines 45-46).

The child verbally expresses emotions (col. 3, lines 1-11).

The child is directed by an adult facilitator (col. 2, line 45).

In electronic device in the form of an audio player is placed in the coffin (col. 2, lines 18-26).

The child may express love, missing, appreciation or regret as a verbally expressed emotion (col. 3 lines 1-11).

Due to the fact that the child is visualizing a dead individual, the child is at the “Moment of Despair”. The child may express hatred at the moment of despair (col. 3, line 5), which can be reasonably construed as a “destructive habit”.

Any of the questions described in column 3, lines 1-11) may be read as “triggers” used to trigger thoughts in the child.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 19-21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brocato et al. ('068).

Brocato et al. differs from claim 6 in that the adult is not recited as being a professional therapist. However, utilizing a therapist to engage in a therapy session is well known in the art, And obvious to one of ordinary skill in the art as choice of therapy design.

Brocato et al. differs from claims 7-8 and 26-27 in that the coffin (54) does not include a pillow or a coffin top. However, since these features are known to be used in coffins, it would have been obvious to one of ordinary skill in the art to modify Brocato et al. to include a pillow and a coffin top so as to enhance the simulation of a coffin.

Brocato et al. differs from claims 19-21 in that it does not disclose any pre-testing prior to the application of the therapeutic method. However, it is well known in the science of psychology to test individuals to determine what psychological conditions they may be suffering before actually attempting to apply therapy. Accordingly, it would have been obvious to one of

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ordinary skill in the art to modify the method of Brocato et al. to deploy psychological testing prior to the application of the therapeutic method in order to determine what psychological conditions the child might be suffering from.

Remarks

While applicant's amendment have overcome the rejections under 35 U.S.C. 101, the claims are still broad enough to read on the Brocato et al. reference.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

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A handwritten signature in black ink, appearing to read 'Sam Rimell', written in a cursive style.

Sam Rimell  
Primary Examiner  
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